|  | Case 3:08-cv-01120-WHA Document   | 20 Filed 07/16/2008 Page 1 of 3                          |  |
|--|---|--|--|
| 1<br>2<br>3<br>4                           | Alan Harris (SBN 146079)<br>David Zelenski (SBN 231768)<br>HARRIS & RUBLE<br>5455 Wilshire Boulevard, Suite 1800<br>Los Angeles, CA 90036<br>Telephone: (323) 931-3777<br>Facsimile: (323) 931-3366                       |  |  |
| 5<br>6<br>7<br>8<br>9<br>10                | David S. Harris (SBN 215224) NORTH BAY LAW GROUP 901 Irwin Street San Rafael, CA 94901 Telephone: (415) 460-5300 Facsimile: (415) 460-5303 Attorneys for Plaintiffs WALTER PEREZ ESCOBAR, MAR GONZALEZ and FRANCISCO CISM | RGARITO<br>NEROS-ZAVALA                                  |  |
| 11   | UNITED STATES DISTRICT COURT  |  |  |
| 12   | NORTHERN DISTRICT OF CALIFORNIA   |  |  |
| 13   |   |  |  |
| <ul><li>14</li><li>15</li><li>16</li></ul> | WALTER PEREZ ESCOBAR,<br>MARGARITO GONZALEZ and<br>FRANCISCO CISNEROS-ZAVALA<br>individually and on behalf of all other   | Case No. CV-08-1120 WHA  NOTICE OF MOTION AND MOTION FOR |  |
| 17   | similarly situated,   | CERTIFICATION OF A COLLECTIVE ACTION                     |  |
| 18   | Plaintiffs,<br>v.   | Date: August 21, 2008<br>Time: 8:00 AM                   |  |
| 19   | WHITESIDE CONSTRUCTION  | Courtroom: 9 Judge: Hon. William Alsup                   |  |
| 20   | CORPORATION, NMS SUPPLY IN J.W. CONSTRUCTION, INC. and DAVID R. WHITESIDE,  | IC.,   |  |
| 21   | Defendants.   |  |  |
| 22<br>23                                   | Defendants.   |  |  |
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|  | NOTICE OF MOTION AND MOTION FO  | 1<br>OR CERTIFICATION OF A COLLECTIVE ACTION             |  |

## **NOTICE OF MOTION**

## TO DEFENDANTS AND THEIR ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that, on August 21, 2008, at 8:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 9, 19th Floor, of the aboveentitled Court, located at 450 Golden Gate Avenue, San Francisco, California, Plaintiffs Walter Perez Escobar, Margarito Gonzalez, and Francisco Cisneros-Zavala will, and hereby do, move for an order granting collective-action certification pursuant to the Fair Labor Standards Act of a class consisting of all persons who were employed by Whiteside Construction Corporation, NMS Supply Inc., and/or J.W. Construction, Inc. at any time during the period from February 25, 2004, through August 21, 2008.

This Motion is made and based upon the Complaint filed herein, this Notice of Motion, the supporting Memorandum of Points and Authorities, the Declaration of Walter Escobar, the Declaration of Margarito Gonzalez, the Declaration of Francisco Cisneros-Zavala, the Declaration of Alan Harris, and all pleadings and papers in the Court's file in this matter, and such further evidence and argument that will be admitted or argued in accordance with the law at the time of the hearing.

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| Dated: July 16, 2008 |     | HARRIS & RUBLE           |
|----------------------|-----|--------------------------|
|                      | By: | /s/                      |
|                      |     | Alan Harris              |
|                      |     | Attorneys for Plaintiffs |

WALTÉR PEREZ ESCOBAR, GONZALEZ and FRANCISCO CISNEROS-ZAVALA

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